

DANIEL G. BOGDEN
United States Attorney

BLAINE T. WELSH
Assistant United States Attorney
Nevada Bar No. 4790
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
Phone: (702)388-6336
Fax: (702)388-6787
Email: *blaine.welsh@usdoj.gov*

Attorneys for the United States.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CITY OF NORTH LAS VEGAS,

Plaintiff,

v.

CLARK COUNTY, NEVADA; THE UNITED
STATES OF AMERICA, Acting By and
Through the Secretary of the Air Force;
UNITED STATES DEPARTMENT OF THE
AIR FORCE; and MICHAEL B. DONLEY,
Secretary of the Air Force,

Defendants.

Case No: 2:11-cv-00944-PMP-PAL

UNOPPOSED MOTION FOR EXTENSION OF TIME
(First Request)

Pursuant to Fed. R. Civ. P. 6(b)(1) and Local Rule 6-1, Defendants, the United States of America, the United States Department of the Air Force, and Michael B. Donley, Secretary of the Air Force (hereinafter collectively referred to as the “United States”) request that this Court extend the deadline for the United States to “file a responsive memorandum regarding this Court’s jurisdiction. . .” from July 5, 2011 to July 12, 2011. The primary reason for this

1 request is that counsel for the United States has not been able to review and digest the several
2 thousand pages of pleadings and papers filed in this case, coordinate with the United States Air
3 Force, or complete research on the many jurisdictional issues raised by the parties. This
4 motion is based upon the attached Memorandum of Points and Authorities.

5 Respectfully submitted this 30th day of June 2011.

6 DANIEL G. BOGDEN
7 United States Attorney

8 /s/ Blaine T. Welsh
9 BLAINE T. WELSH
Assistant United States Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

I Introduction and Background

On June 9, 2011, the City of North Las Vegas sued Clark County Nevada and the United States. (Document No. 1) On June 16, 2011, Clark County filed its Ex Parte Motion for Temporary Restraining Order (Document No. 8) and on June 17, 2011, filed a document styled “Suggestion that Subject Matter Jurisdiction is Wanting” (Document No. 13). The City of North Las Vegas responded to Clark County’s Ex Parte Motion for Temporary Restraining Order on June 20, 2011 (Document No.15). The Court heard argument on Clark County’s Ex Parte Temporary Restraining Order on June 20, 2011.

Among other things, at the June 20, 2011 hearing, the Court expressed concerns as to its jurisdiction to hear this case. Based on those concerns, the parties agreed to brief the jurisdictional issues and a briefing schedule was set with deadlines for the City of North Las Vegas and Clark County, Nevada. Although the United States was named a party, it had not been served with the Complaint or any other paper in this case by the time of the June 20, 2011 hearing. As a result, the United States was not included in the briefing schedule.

After the June 20 hearing, the Court issued a Minute Order directing the City of North Las Vegas to serve the United States by June 22, 2011, and ordered the United States to “file a responsive memorandum regarding this Court’s jurisdiction on or before July 5, 2011” (Document No. 17).

On June 22, 2011, a copy of the summons, complaint and the June 22, 2011 Minute Order (Document No. 17) were served on the United States Attorney’s Office for the District of Nevada.

II Good Cause Exists for the Requested Extension

Fed. R. Civ. P. 6(b)(1) provides, in part:

When an act may or must be done within in a specified time, the court may, for good cause, extend the time,

1 (A) with or without motion or notice if the court acts, or if a request is
2 made, before the original time or its extension expires; . . .

3 For the following reason, good cause exists to extend the July 5, 2011 deadline until
4 July 12, 2011. The United States has acted diligently to meet the existing deadline. From the
5 time the United States learned of the June 22, 2011 Minute Order until the present, counsel for
6 the United States has made a concerted effort to gather information about this case and prepare
7 the required response. Counsel has downloaded several hundred pages of pleadings, motions
8 and papers filed in this case and has reviewed some, but not all of them. In addition,
9 undersigned counsel has communicated with counsel for the United States Air Force
10 (“USAF”) about this case and the facts underlying it. Counsel for the USAF have provided
11 some background material and are working to provide additional information. In addition,
12 counsel has undertaken research on the numerous jurisdictional issues the United States is to
13 address. Despite these efforts, significant work still needs to be done before the United States
14 can adequately respond to the jurisdictional issues the other parties have raised.

15 In addition to work on this case, undersigned counsel has had to meet deadlines in a
16 number of other cases assigned to him and has had to attend to myriad administrative duties as
17 Civil Division Chief.

18 Further while it is a pleasure to celebrate Independence Day, that celebration takes
19 away at least one day of the already short response period.

20 The United States respectfully submits that these reasons demonstrate good cause and
21 amply support its request that the July 5, 2011 deadline to respond be extended to July 12,
22 2011.

23 **III Consultation with Opposing Counsel**

24 Counsel for the City of North Las Vegas do not oppose the requested extension.
25 Similarly, counsel for Clark County, Nevada do not oppose the requested extension but asked
26 that counsel for the government indicate in this unopposed motion that Clark County does not

1 want this extension to impact the briefing on the motion to remand pending in the related case
2 captioned, *Clark County v. City of North Las Vegas*, 2:11-cv-01012-PMP-PAL.

3 **IV Conclusion**

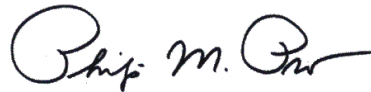
4 The United States certifies that this motion is not submitted solely for the purpose of
5 delay or for any other improper purpose. Rather, despite diligent efforts to meet the current
6 deadline, the United States needs additional time to prepare the required responsive brief. For
7 the foregoing reasons, the current July 5, 2011 deadline should be extended to July 12, 2011.

8 Respectfully submitted this 30th day of June 2011.

9 DANIEL G. BOGDEN
10 United States Attorney

11 /s/ Blaine Welsh
12 BLAINE T. WELSH
13 Assistant United States Attorney

14
15 IT IS SO ORDERED:

16 

17 _____
18 UNITED STATES DISTRICT JUDGE/

19 DATED: July 1, 2011. _____
20
21
22
23
24
25
26

PROOF OF SERVICE

I, Blaine T. Welsh, AUSA, certify that the following individual was served with the **UNOPPOSED MOTION FOR EXTENSION OF TIME** on this date by the below identified method of service:

Electronic Case Filing

Patrick G. Byrne
Richard Gordon
Casey G. Perkins
Snell & Wilmer
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702-784-5201 FAX 702-784-5252
pbyrne@swlaw.com; rgordon@swlaw.com; cgperkins@swlaw.com

Attorneys for City of North Las Vegas

Christopher D. Figgins
Laura Rehfeldt
Clark County District Attorney's Office
Civil Division
500 S. Grand Central Pkwy 5th Floor
P.O. Box 552215
Las Vegas, Nevada 89169
702-455-4761 FAX 702-382-5178
christopher.figgins@ccdanv.com; laura.rehfeldt@ccdanv.com

Attorneys for Clark County Nevada

Matthew J. Christian
Alan J. Lefebvre
Kolesar & Leatham
400 South Rampart Boulevard, Suite 400
3320 West Sahara Avenue, Suite 380
Las Vegas, Nevada 89145
702-362-7800 FAX 702-362-9472
mchristian@klnevada.com; alefebvre@klnevada.com

Attorneys for Clark County Nevada

DATED this 30th day of June 2011.

/s/ Blaine Welsh
BLAINE T. WELSH
Assistant United States Attorney